

come to me and say: SHELDON, it is getting weird out there. SHELDON, this is not my grandfather's ocean any longer. These are men who fished with their grandfathers, who fished with their fathers, and who now have their own boats. They know these waters, and when they say that the ocean has changed and it is getting weird out there, we should listen. They are on the water every day, and they see these changes happen before their very eyes.

I hope my Republican colleagues are like those fishermen. I am sure some of them probably want to throw me off a pier for all these talks, but mostly they probably just don't want to hear about climate change. But what I am hoping is that soon they will hear it from the fishermen in their own States, or their farmers or their foresters, and that they will hear it from their State health officials, their State emergency officials, their own State universities, and they will listen. When they do, they will realize the fossil fuel industry has been duplicitous with them and has been leading them away from their own State's best interests. They will learn that the fossil fuel industry lobbyists are false friends as well as greedy ones.

We have a clear scientific understanding of the problem. Yet relentless fossil fuel opposition prevents us from moving toward a solution. It is a disgrace, frankly.

It is time to pay attention to reality, to the evidence, to what our farmers and foresters, and, yes, our fishermen are telling us. It is time to shut off the toxic polluter-paid politics that cloud this issue and give Washington a dirty name. It is time, indeed, to wake up.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO ALEE LOCKMAN

Mr. DAINES. Mr. President, I rise to recognize Alee Lockman.

Alee Lockman is the pride of Brockton, MT. In fact, Alee grew up on her family's wheat farm 10 miles north of Brockton in eastern Montana. Alee is also the pride of Froid High School, a classic high school in Montana. She was the valedictorian of a graduating class size of six. Alee graduated from Froid High School and went on to Harvard and graduated in 2010.

Alee Lockman also served as my communications director for the past 3 years. She came back to Washington when I was elected to the House and served on my team there. She worked on my campaign staff as well when we ran for the U.S. Senate. And thanks to Alee's tireless work and strong work ethic, we were able to win that race, and she came over to the Senate side

and served as my communications director there for the past year-plus.

She played an absolutely invaluable role in my office. She is a brilliant, creative thinker who has a talent unparalleled.

I will never forget our road trips across Montana. There were times when we would spend countless hours in a small, little compact car—I am used to driving my big Ford pickup—that we would rent and literally drive thousands of miles across Montana and visit all the small towns.

Nobody was a greater advocate for rural Montana issues—somebody who lived it and breathed it her entire life—than Alee Lockman. In fact, one of the best nights of the month was our monthly tele-townhall meeting, where tens of thousands of Montanans would know Alee's voice because she would always introduce me. I always took pride in announcing: "You just heard from Alee Lockman from Brockton, MT."

I could always count on her to provide wisdom and much needed insight, particularly when it came to my prolific social media feeds. Sometimes Alee would place guardrails around what I probably should or should not be saying.

We are going to miss Alee Lockman. Alee has gone on to pursue a great, new opportunity, which I am very excited about for her, and I wish her the very best.

I wish to thank Alee Lockman for her service to the people of Montana, to this Nation, and to this institution.

You are going to be missed, Alee, and we wish you the best of luck in your future endeavors.

#### MORNING BUSINESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENSURING PATIENT ACCESS AND EFFECTIVE DRUG ENFORCEMENT ACT

Mr. HATCH. Mr. President, today I wish to discuss S. 483, the Ensuring Patient Access and Effective Drug Enforcement Act, which the Judiciary Committee reported out by voice vote right before we went into recess. At the outset, I would like to thank Senator WHITEHOUSE for his important work on this bill. He and his staff have been crucial partners in helping to move this legislation forward.

S. 483 will bring much-needed clarity to several key provisions of the Controlled Substances Act. In particular, it will better delineate the standards a company must satisfy in order to obtain a Controlled Substances Act registration and the circumstances under which a registration may be suspended without an adjudicative proceeding.

To elaborate briefly on this second point, under the terms of the Controlled Substances Act, the Attorney General may suspend a registration to manufacture or distribute controlled substances without court process if she determines there is an imminent danger to the public health and safety, but the Controlled Substances Act does not define what constitutes an imminent danger. S. 483 clarifies the Attorney General's authority under this provision by specifying that imminent danger means that, "due to failure of the registrant to maintain effective controls against diversion or otherwise comply with the obligations of a registrant under this title or title III, there is a substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur in the absence of an immediate suspension of the registration."

It is the intent of the bill authors that the phrase "substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur" include situations where evidence of diversion indicates there is a substantial likelihood that abuse of a controlled substance will occur—that is it is the intent of the authors that this language authorize the Attorney General to issue an immediate suspension order in cases where evidence of diversion points to a substantial likelihood of abuse, provided the other conditions for issuing such an order are met.

In addition to these important clarifications, S. 483 will also facilitate greater collaboration between registrants and relevant Federal actors in combatting prescription drug abuse. In particular, the bill provides a mechanism for companies who inadvertently violate the Controlled Substances Act to submit a corrective action plan to remediate the violation before their registration is suspended and the supply of drugs to patients is interrupted. This provision will encourage greater self-reporting of violations and promote joint efforts between government and private actors to stem the tide of prescription drug abuse. It will also help ensure that supply chains remain intact for legitimate uses such as the alleviation of pain and illness.

S. 483 takes a balanced approach to the problem of prescription drug abuse. It clarifies and further defines the Attorney General's enforcement powers while seeking to avoid situations that may lead to an interruption in the supply of medicine to suffering patients. It reflects a measured, carefully negotiated compromise between stakeholders and law enforcement that will enable both to work together more effectively. I thank Senator WHITEHOUSE again for his work on this bill and urge my colleagues to give it their strong support.

## VOTE EXPLANATION

Ms. HEITKAMP. Mr. President, I was necessarily absent for yesterday's vote on the motion to invoke cloture on the nomination of Robert McKinnon Califf to be Commissioner of Food and Drugs, Department of Health and Human Services, so I could attend the funeral service for Police Officer Jason Moszer with the city of Fargo, ND, who lost his life in the line of duty.

Had I been present, I would have voted yea on the motion.

## NOMINATION OBJECTION

Mr. LANKFORD. Mr. President, we have witnessed in this administration Executive overreach with increasing boldness. One manifestation of Executive overreach is the shocking indifference with which departmental agencies spurn the congressionally mandated rulemaking processes in favor of regulating under the guise of "guidance documents." Guidance documents in their proper form advise the public of their obligations under existing law and, therefore, merely interpret the law without imposing any additional obligation. Agencies are quick to echo that guidance documents do not have the force and effect of law; yet governmentwide, agencies increasingly have used guidance as an end-run around the rulemaking process in violation of Federal law.

The Department of Education's Office for Civil Rights is such an offender. Their guidance documents, including Dear Colleague letters on harassment and bullying, issued October 23, 2010, and sexual violence, issued April 4, 2011, purport to merely interpret title IX of the Education Amendments of 1972, yet advance troublesome policies not contemplated by the text of title IX or its implementing regulations.

I appreciate the fact that these guidance documents predated Mr. King's service at the Department of Education, and I do not assert that he had any role in developing or issuing the letters. However, in a letter dated January 7, 2016, I asked him to clarify his role as Acting Secretary, in no uncertain terms, that the policies expounded in the 2010 and 2011 letters not required by the terms of title IX cannot be grounds for any adverse action.

To my disappointment, his response failed to do so. Mr. King should commit to use the office of the Secretary to rein in the regulatory abuses within the Department of Education and encourage his Cabinet counterparts to do the same. Until such time as such commitments are made, I intend to object to his nomination.

## REMEMBERING JUSTICE ANTONIN SCALIA

Mr. ENZI. Mr. President, I wish to offer a few words remembering Associate Justice Antonin Scalia of the Supreme Court. America has lost a legal

giant and tireless defender of the Constitution. Justice Scalia dedicated his life to his country and the rule of law. His passing is a significant loss for the Court and the United States.

Few Associate Justices of the Supreme Court capture the attention of both lawyers and non-lawyers like Justice Scalia has throughout his career. Antonin Scalia used wit, humor, and colorful writing to captivate Americans in his judicial opinions and educational talks. Justice Scalia also felt strongly about protecting the rights of the individual and did so in monumental opinions interpreting the First, Second, Fourth, and Sixth Amendments. In the immediate days following his passing, I received substantial correspondence from Wyoming residents praising his work for upholding the Constitution and defending individual liberties.

A number of my colleagues have already mentioned how Justice Scalia would always put the Constitution first, even if it conflicted with his personal views. This was the case when Justice Scalia voted to uphold the right of protesters to burn the American flag—even though he strongly disagreed with flag desecration.

When it comes to privacy, Justice Scalia established himself as a leading champion of the Fourth Amendment, particularly when it comes to privacy in one's home or car.

Justice Scalia also authored a landmark majority opinion upholding gun rights under the Second Amendment which reiterated the constitutional right of an individual to keep and bear arms in the District of Columbia, a right which was later incorporated to all States.

Justice Scalia also fought ardently for religious freedoms under the Establishment Clause and joined others in upholding freedom of association under the First Amendment.

From his earliest days on the Supreme Court, Scalia approached the Constitution and statutes passed by Congress as a textualist. He protected the vertical separation of power in our federalist system which keeps decisions closer to the people and fought for the separation of powers amongst the three branches of Federal Government.

Most recently, Justice Scalia challenged Executive overreach in the unanimous decision of the Supreme Court invalidating President Obama's unconstitutional recess appointments to the National Labor Relations Board and the Consumer Financial Protection Bureau.

Finally, Justice Scalia's writings, judicial philosophy, and lectures have influenced future generations of lawyers and jurists. Whether, during oral argument, asking if the government can "make people buy broccoli" or referencing Cole Porter lyrics in opinions, Scalia used words to rebut, challenge, and persuade.

Justice Scalia's legacy and legal precedents will stand the test of time,

and our Nation owes him a debt of gratitude for his service. My wife, Diana, and I send our prayers and condolences to the Scalia family.

## 40TH ANNIVERSARY OF THE CONGRESSIONAL BLACK CAUCUS FOUNDATION AND 45TH ANNIVERSARY OF THE CONGRESSIONAL BLACK CAUCUS

Mr. BOOKER. Mr. President, today I wish to honor the 40th anniversary of the Congressional Black Caucus Foundation, Incorporated, CBCF. It is fitting that during the month we celebrate Black history, we commemorate the decades of service CBCF has rendered to the Nation by advancing policy issues that impact the global Black community.

Black History Month is an ideal time to reflect on the ways the law has shaped the African-American experience. Our Nation has come a long way since the time when schools were segregated by law. No longer does the law bar African Americans from the voting booth. Today we have African-American Members of Congress who help craft the law; Yet the important work of civil rights remains unfinished.

Since 1976, CBCF has been a critical partner with Congress in the fight for equal rights. As a nonpartisan nonprofit institute dedicated to eliminating racial disparities, CBCF has served as an inspiration to not just African Americans, but to people across the globe. However, its legacy and impact have been far from symbolic.

From helping to make the birthday of Dr. Martin Luther King, Jr., a Federal holiday, to rebuilding communities impacted by Hurricane Katrina, to working on major legislation like the Elementary and Secondary Education Act, to building a virtual library project to shed a spotlight on the work of Black-elected officials, CBCF has stood alongside African-American elected leaders on some of the most critical policy issues of our time.

As we move in 2016, the work of CBCF is more important than ever. Today people of color face disparities in the areas of criminal justice reform, voting rights, and economic development both at home and abroad. Its founders—Nira Hardon Long, Albert Nellum, and Congresswoman Yvonne Burke—envisioned CBCF as an important contributor in the quest for racial equality.

The need remains. The vision lives on. And we have more work to do. I am confident CBCF will continue to serve our country admirably and protect African Americans vigorously. I salute CBCF for their service and celebrate their 40th anniversary.

This year also marks the 45th anniversary of the founding of the Congressional Black Caucus, CBC. I express my appreciation to the 13 founding members of the CBC in 1971 and the 17 members of the CBC class of 1976 for paving the way for African-American Members of Congress, like me, to follow in their